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Public Health Law News

January 2023



Public Health Law Program
Center for State, Tribal, Local, and Territorial Support
Centers for Disease Control and Prevention

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Announcements

New Executive Director | Public Health Law Center at the Mitchell Hamline School of Law

The Public Health Law Center has selected a new executive director, Joelle Lester. For the last five years, she has served as the Public Health Law Center's Director of Commercial Tobacco and has become a respected national

leader in commercial tobacco control law and policy. Ms. Lester started her new role on January 3. [Read the announcement](#) .

New National Director | The Network for Public Health Law

The Network for Public Health Law has announced that Dr. Vineeta Gupta will serve as its new national director. Dr. Gupta is a maternal and child health physician and human rights lawyer with three decades of experience in clinical and public health, health justice and equity, and organizational development. [Read the announcement](#) .

Applications Open | CDC's Public Health Law Fellowship

Applications are now open for the CDC Public Health Law Fellowship. This paid opportunity will provide fellows with on-the-job training to prepare them for careers in public health law and policy. Applicants should be current graduate or law students or recent graduates with a demonstrated interest in public health law. Applications are due **January 23**. Positions start in January, May/June, or August/September. [Learn more and apply](#).

Applications Open Soon | CDC's Public Health Associate Program (PHAP)

PHAP applications will open soon. PHAP is a competitive two-year, paid training program for recent college graduates who are interested in a career in public health. [Learn more and prepare to apply](#).

Registration Open | NACCHO 2023 Preparedness Summit

Registration is open for the 2023 National Association of City and County Health Officials (NACCHO) Preparedness Summit to be held **April 24–27** in **Atlanta**. The Preparedness Summit is the first and longest-running preparedness conference. The theme is “Recover. Renew: Reprioritizing All-Hazards Preparedness.” Early-bird registration is available through **January 31**. [Learn more and register](#) .

Call for Abstracts | 2023 Public Health Law Conference

The Network for Public Health Law will accept abstracts through **February 6** for the 2023 Public Health Law Conference to be held **October 24–26** in **Minneapolis**. Submissions that address structural inequities in health outcomes, reproductive health equity, public health data use to advance health equity, the role of law in facilitating system change, and emerging issues impacting structural change are highly encouraged, although manuscripts on other topics are welcome. [Submit an abstract](#) .

Call for Abstracts | NACCHO 360 Conference

NACCHO will accept abstracts for the 2023 NACCHO 360 Conference through **January 27**. The theme of this year's conference is “Elevating Public Health Practice for Today and Tomorrow.” The conference will be held **July 10–13** in **Denver**. [Submit an abstract](#) .

Call for Abstracts | APHA 2023 Annual Meeting and Expo

The Law Section of APHA will accept abstracts for the 2023 APHA Annual Meeting and Expo through **March 31**. The theme is “Creating the Healthiest Nation: Overcoming Social and Ethical Challenges.” The conference will be held **November 12–15** in **Atlanta**. [Learn more and submit an abstract](#) .

Tribal Announcements

Extended Deadline | HHS Tribal Consultation Policy

HHS has extended the deadline to **January 27** to submit written comments on its draft “HHS Tribal Consultation Policy.” Comments should be submitted to consultation@hhs.gov. Read the [Dear Tribal Leader Letter](#)  [PDF – 239 KB] , [clean version of the draft](#)  [DOC – 64 KB] , and [redline version of the draft](#)  [DOC – 85 KB] .

National Writing Competition | *American Indian Law Review*

The *American Indian Law Review* is now welcoming papers from students at accredited law schools in the United States and Canada. Papers will be accepted on any legal issue specifically concerning American Indian people or other Indigenous people. **The competition deadline is February 28**. [Learn more](#) .

Registration Open | Pre-Law Advisors Training Conference

Registration is open for the Pre-Law Advisors Training Conference **March 7–8** in **Albuquerque**. The conference is hosted by the American Indian Law Center and is for those who advise American Indian and Alaska Native students interested in applying to law school. [Learn more and register](#) .

Save the Date | National Indian Health Board 2023 National Tribal Public Health Summit

The National Indian Health Board will host the National Tribal Public Health Summit **May 1–5** in **Anchorage**. This annual summit is dedicated to elevating the impact of public health on tribes and has historically attracted more than 700 professionals, leaders, advocates, and researchers. [Learn more](#). .

Legal Tools & Trainings

Article | “The Role of State Policy in Fostering Health Information Exchange in the United States”

NEJM Catalyst Innovations in Care Delivery recently published an article titled “The Role of State Policy in Fostering Health Information Exchange in the United States.” The article considers the role that state policy plays in the adoption and use of health information exchanges across providers. [Read the article](#) .

Webinar | Collecting and Disseminating Public Health Data Disaggregated by Race and Ethnicity to Advance Health Equity: Navigating the Legal Issues

The Network for Public Health Law is hosting a webinar on **January 19 at 1:00 pm (EST)** titled “Collecting and Disseminating Public Health Data Disaggregated by Race and Ethnicity to Advance Health Equity: Navigating the Legal Issues.” The webinar will highlight the newly published *Disaggregation of Public Health Data by Race & Ethnicity: A Legal Handbook* . [Learn more and register](#) .

Recording | Webinar for Lawyers Advising Data-Sharing Efforts

The Network for Public Health recently released a recording of “I Want to Say ‘Yes,’ But...”—A Webinar for Lawyers Advising Data-Sharing Efforts.” The webinar discusses strategies for navigating data-sharing and creating a culture of “Yes, we can.” [Watch the recording](#) .

Job Openings

Manager, Legal Research | National Alliance of State and Territorial AIDS Directors (NASTAD)

NASTAD is seeking candidates for a manager of legal research who will provide legal and policy research and analysis as part of NASTAD’s technical assistance and capacity-building assistance. Candidates should have demonstrated experience with legal research and analysis and prior experience working in the areas of HIV and/or hepatitis. [Learn more and apply](#) .

Senior Attorney | The Network for Public Health Law

The Network for Public Health Law is seeking candidates for a public health senior attorney position, supporting its Mid-States Region. The attorney will focus on legal issues regarding collecting, sharing, and protecting data for public health purposes and legal issues regarding public health authority. [Learn more and apply](#) .

Project Coordinator | Center for Health Policy and Law, Northeastern University School of Law

The Center for Health Policy and Law at Northeastern University School of Law is seeking a project coordinator to support the team and the work of Salus Populi, an initiative that trains judges and lawyers about the social determinants of health, population health, health equity, and the law. [Learn more and apply](#) .

Job Opening | Health and Welfare Executive Officer, Mohegan Tribal Member Services

The Mohegan Tribe is seeking applications for a health and welfare executive officer that will handle the overall administration and operation of the Tribal Member Services Department. This role will collaborate with the Entities

within the Mohegan Reservation to address public health and safety protocols. This position will be in person in **Uncasville, Connecticut**. [Learn more](#)  [\[PDF – 298 KB\]](#) .

Top Story

California: [New California law allows colleges, universities to bolster campus opioid prevention services](#) 

Martin Espinoza (12/28/2022) The Press Democrat

Story Highlights

Following the passage of Senate Bill 367, also known as the Campus Opioid Safety Act, the California Department of Public Health (CDPH) will begin to work with public colleges to prevent opioid overdoses. CDPH will provide campuses with naloxone—the opioid overdose reversal drug also known by the brand name Narcan®—and education on how to use it.

“Many overdose deaths can be prevented with naloxone, a life-saving drug that’s available to many colleges and universities at no cost,” said Dr. Tomás J. Aragón, director of CDPH and the state’s public health officer.

CDPH will also provide educational information about overdoses during student orientations. Campuses are also expected to work with campus-based and community-based recovery advocacy organizations to provide relevant educational and preventive information.

According to CDC, opioids were involved in more than 68,000 deaths in 2020. Opioids include the illegal drug heroin, synthetic opioids like fentanyl, and prescription pain medications like oxycodone, hydrocodone, codeine, morphine, and more.

[Editor’s note: Read [California SB 367](#) , learn more about [naloxone](#), and access CDC’s [opioid overdose data and commonly used terms](#).]

Briefly Noted

California: [California’s ban on most flavored tobacco effective Wednesday](#) 

Matthew Rodriguez (12/21/2022) CBS Los Angeles

[Editor’s note: Read [California SB 793](#) , and learn more about [electronic cigarettes](#), [menthol tobacco products](#), and [students and flavored tobacco products](#).]

Florida: [Miami Beach set to enforce smoking ban at public beaches, parks starting Sunday](#) 

NBC 6 (12/28/2022) NBC Miami

[Editor’s note: Read [Ordinance 2022-4509](#)  [\[PDF – 231 KB\]](#)  and learn more about [smoking and tobacco use](#).]

Georgia: [New Georgia law on mental health parity will save lives, advocates say](#) 

Rebekka Schramm (01/02/2023) Atlanta News First

[Editor’s note: Read [HB 1013](#)  and learn more about [mental health](#).]

Michigan: [Health department lifts no-contact order for Flint River six months after chemical spill](#) 

Ron Fonger (12/28/2022) Michigan Live

[Editor’s note: Learn more about [safe water and health](#)  .]

Missouri: [As law banning sleeping on state-owned land looms, homeless advocates dread results](#) 

Sarah Kellogg (12/27/2022) St. Louis Public Radio

[Editor’s note: Read [HB 1606, section “Homelessness Programs”](#)  [\[PDF – 74 KB\]](#)  and learn more about [homelessness and health](#).]

Oregon: [Bayer, Oregon finalize \\$698 million PCB pollution settlement](#) 

Brendan Pierson (12/16/2022) Reuters

[Editor's note: Learn more about [polychlorinated biphenyls \(PCBs\)](#).]

Washington: [Marysville enacts new law to address complaints of public drug use](#) 

Joel Moreno (12/29/2022) KOMO-TV Seattle

[Editor's note: Learn more about [illicit drug use](#).]

National: [‘This is not about the pandemic anymore’: Public health law is embraced as border band-aid](#) 

Zolan Kanna-Youngs (12/28/2022) The New York Times

[Editor's note: Read about [Title 42](#)  and learn more about [immigrant, refugee, and migrant health](#).]

Tribal: [Federal budget contains historic funding for Indian Health Service](#) 

Nora Mabie (12/28/2022) Missoulian

[Editor's note: Learn more about [tribal health](#) and [Indian Health Service](#) .]

Tribal: [Congress tasks a federal watchdog to examine Indian Affairs' troubled tribal jails](#) 

Nate Hegyi (12/23/2022) KPBS

[Editor's note: Learn more about [correctional health](#).]

Global Public Health Law News

New Zealand: [New Zealand passes lifetime ban on youth buying cigarettes](#) 

Nick Perry (12/13/2022) PBS

[Editor's note: Learn more about [youth and tobacco use](#).]

COVID-19 Court Filings & Opinions

New Jersey

These appeals present an issue of first impression—whether plaintiffs state viable claims for breach of contract, unjust enrichment, conversion, or money had and received, based on the universities they attended transitioning to total online instruction rather than an in-person, on-campus education experience for which they paid, during the statewide health emergency caused by the COVID-19 pandemic. The universities contend they are immune from liability pursuant to the Emergency Health Powers Act (EHPA), N.J.S.A. 26:13-1 to -36, because their decisions to pause in-person instruction were made in compliance with the executive orders issued by the Governor during a public health emergency to limit the spread of COVID-19 among students, faculty, and the community. We affirm the dismissal of plaintiffs' complaints, concluding the universities are immune from liability under N.J.S.A. 26-13-19.

[Mueller v. Kean Univ](#) .

Superior Court of New Jersey, Appellate Division

No. A-1843-20; A-3091-20

Decided December 30, 2022

Opinion by Geiger, J.A.D.

Michigan

Plaintiffs-appellants, Patrick Flynn, AJ Raterink, Patricia Looks, Brian Dokter, and Steve and Jamie Lemieux, appeal by right the trial court's order summarily dismissing their lawsuit against defendants-appellees, Ottawa County Department of Public Health (the department), Ottawa County Department of Public Health Administrative Health Officer (the health officer), and Ottawa County Board of Commissioners (the board). This action concerns the validity of a mask mandate in schools that was issued and implemented by emergency order of the health officer in response to the COVID-19 pandemic. The trial court concluded that the order did not have to be approved by the board because it was an order and not a promulgated regulation, which must be approved by the board. Plaintiffs argue that the trial court erred in its ruling, contending that a regulation, by definition, encompasses orders issued by health officers; therefore, the mask-

mandate order had to be approved by the board, which did not occur and thus rendered the order invalid and unenforceable. Plaintiffs maintain that even though the mask mandate has expired, an actual controversy nonetheless exists entitling them to declaratory relief because defendants will continue to assert their authority to issue similar orders in the future. For the reasons set forth in this opinion, we hold that mootness does not preclude substantive resolution of the appeal and that the trial court properly ruled that the emergency order issued by the health officer in response to the pandemic was not subject to approval by the board. Accordingly, we affirm the trial court's order of summary dismissal.

[Flynn v. Ottawa Cnty. Dep't of Pub. Health](#)  [PDF – 316 KB] 

Court of Appeals of Michigan

No. 359774

Decided December 15, 2022

Opinion by Judge Markey

New York

Plaintiff is a licensed physician who had medical staff privileges at medical facilities owned by defendant, Kaleida Health, including Buffalo General Medical Center (Buffalo General). Plaintiff applied to defendant for, as relevant to this appeal, a medical exemption from the COVID-19 vaccine mandate for health care workers. In response, plaintiff received a letter from defendant informing him that his medical exemption was denied following review, and plaintiff's privileges at Buffalo General were subsequently suspended due to his noncompliance with the vaccine mandate. Plaintiff thereafter commenced this action and moved by order to show cause for, inter alia, injunctive relief preventing defendant from revoking his privileges at Buffalo General or deeming those privileges abandoned. Defendant moved to, among other things, dismiss the complaint with prejudice. Plaintiff appeals from an order that, inter alia, denied plaintiff's motion, granted defendant's motion in part, and dismissed the complaint without prejudice.

[Williams v. Kaleida Health](#) 

Supreme Court, Appellate Division, Fourth Department, New York

CA 22-00652

Decided December 23, 2022

Slip Opinion representing the present judges: Whalen, P.J., Peradotto, Nemoyer, Curran, and Bannister, JJ.

New York

Appeal from a judgment of the Supreme Court (Patrick J. McGrath, J.), entered November 4, 2020, in Albany County, which dismissed petitioners' application, in a combined proceeding pursuant to CPLR article 78 and action for declaratory judgment, to, among other things, review determinations of certain respondents denying certain petitioners' requests for leave pursuant to the Families First Coronavirus Response Act.

In March 2020, Congress responded to the emerging COVID-19 pandemic by passing the Families First Coronavirus Response Act (Pub L 116-127, 134 U.S. Stat 178 [116th Cong, 2d Sess, Mar. 18, 2020] [hereinafter FFCRA]), which, as is relevant here, temporarily required employers to provide public health emergency leave to eligible employees who were unable to work as a result of the COVID-19 related closure of their child's school or place of care (Pub L 116-127, div C, § 3102, 134 U.S. Stat 178, 189-191, amending 29 USC § 2612 and adding 29 USC § 2620) and paid sick leave to employees who were required to quarantine due to COVID-19 or had been advised to do so by a health care provider (see Pub L 116-127, div E, § 5102[a], 134 U.S. Stat 178, 195-196). Petitioners Jonathan Sullivan, Michelle Meyers, Christina Hooper and Megan Rose (hereinafter collectively referred to as the individual petitioners) were employed by various state agencies in 2020 and sought public health emergency leave to care for their children, while petitioner Michelle Boechel, also a state employee, sought paid sick leave after being forced to quarantine because of a COVID-19 exposure at work. The leave requests were not granted, forcing the individual petitioners and Boechel to use their accrued leave or take other forms of leave.

[Spence v. New York State Off. of Mental Health](#) 

Supreme Court, Appellate Division, Third Department, New York

No. 532526

Decided December 29, 2022

Opinion by J.P. Egan Jr.

Quote of the Month

“Insurance companies that cover physical things like a broken arm or broken leg now have to cover behavioral health issues, mental health, and addiction,” said Jeff Breedlove, chief of communications and public policy for the Georgia Council for Recovery, on the passage of the “Mental Health Parity Act” in Georgia. “It’s a big deal. It’s a game changer,” he continued. “It’ll save lives.”

[Editor’s note: This quote is from the above article [New Georgia law on mental health parity will save lives, advocates say](#) , Atlanta News First, (01/02/2023) Rebekka Schramm.]

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Last Reviewed: January 19, 2023